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HUMAN RIGHTS IN ARGENTINA

The format of this paper is based upon that adopted by the Department for making human rights evaluations for all countries.

Political violence has wracked Argentina's history and has been especially high since the late sixties. Such violence was partially responsible for the economic and political breakdown precipitating the March 1976 coup, and is being used by the junta as a rationale for its no holds barred approach to counter-terrorism. This approach has resulted in serious violations of human rights. The United States has responded by cutting back military credits, denying internal security equipment and tailoring votes in international financial institutions to reflect its concern with human rights. The Congress has prohibited all sales of military equipment and the providing of military training to the Argentine Armed Forces after September 30, 1978. While Argentine authorities have become increasingly sensitive to human rights criticism and have responded with several conciliatory gestures, there has been little improvement to date. Human rights violations continue despite public admissions by the government that terrorists have been largely defeated.

A. CONDITION OF HUMAN RIGHTS IN ARGENTINA

1. Respect for the Integrity of the Person, Including Freedom From:

a. Torture.

Although torture is prohibited by law, and publically condemned by government officials, there is no question that security personnel and prison officials engage in its use. The victims are usually suspected terrorists, but other leftists--including priests and foreign political exiles--have been maltreated as well. The government is aware of such activities but generally lets them go unchecked and unpunished. Government officials tell us that instances of torture have been reported and that measures have been taken quietly against persons responsible.

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Margaret P. Grafeld, Director

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Accounts of torture at known interrogation centers on military bases are common. Detainees are subjected to both physical and psychological torture: beatings, electric shocks, suffocation and mock executions. These occur most often during early interrogation sessions.

Prisoners in Argentine jails are faced with varying types of treatment. Those charged or held for political subversion are the most severely treated. Complete body searches, sexual abuse, cold showers in winter, beatings, psychological abuse, and solitary confinement for small infraction have been reported.

U.S. officials have interviewed Americans who have been held in Argentine prisons and there is no reason to doubt the accounts of torture as told by Gwenda Mae Loken Lopez and Patricia Erb. Ms. Lopez authorized the Department to protest her treatment and this was done in a stiff note to the GOA. As of mid-1977, the Department was continuing to hear accounts of torture, particularly in connection with the Graiver scandal which broke in April 1977 and led to many arrests for alleged subversive involvements and economic crimes. Most recently the Embassy has heard accounts of the torture of La Opinion publisher, Jacobo Timmerman, during his interrogation and of the Deutsch family arrested in Cordoba.

b. \Cruel, Inhuman or Degrading Punishment.

The Argentine Armed Forces have committed themselves to the elimination of terrorist "combatants." This policy has led to the summary execution of prisoners who are believed to have "blood on their hands." These executions are sometimes disguised as shootouts with security forces or prison escapes. Leftist terrorists rarely allow themselves to be taken alive in order to avoid interrogation and what they feel will be almost certain death. High echelon terrorists carry cyanide pills and the security forces carry stomach pumps to thwart such suicides.

Conditions in Argentine prisons are probably among the best in Latin America. A major exception applies, however, to individuals being held at the disposition of the executive power ("bajo el poder ejecutivo nacional" or PEN) under the State of Siege provisions of Article 23 of the Argentine Constitution. About a third of these PEN prisoners

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have been charged with specific subversive or terrorist activities, and are very slowly being tried before military councils or federal criminal courts. Most others are held on unspecified charges of subversion. Two thirds, 1,306 of some 4,000 plus PEN detainees were being held in September 1977 without any charges at all. Many of these political prisoners claim that they are detained in very cramped quarters, put in solitary confinement for long periods, forced to take ice cold baths, denied sleep, fed sparsely, and, in general, beaten and treated roughly. Conditions for these prisoners appear to have improved since the arrival of the International Committee of the Red Cross, which began its program of inspections in January 1977. Conditions for common criminals and PEN prisoners believed to be only marginally connected to subversion are generally better than those more seriously compromised.

c. Arbitrary Arrest and Imprisonment.

Legal arrest cases in Argentina fall into two categories: persons arrested for common crimes are processed in the normal judicial manner, and State of Siege PEN detentions authorized by Article 23 of the Argentine Constitution. Under this provision, the President of Argentina during periods of internal disorder or external attack may detain and move people around the country, but he may not convict or punish such detainees on his own authority. The State of Siege powers, which were invoked in 1974 by the Peron Government, have been used to hold a wide variety of persons, many for long periods without formal charges.

In an early August 1977 decision in the Zamorano case, the Supreme Court issued an interlocutory order to the Executive to present reasons for holding Zamorano or free him. This sustained an Appeals Court's decision ordering the Executive to release Mr. Zamorano, who was under "executive detention" for over 2-1/2 years. The Appeals Court in a carefully worded decision sustained the power of the Executive to hold people under the PEN, but went on to hold that it was unreasonable to detain a person for such a long period of time without giving reasons charging him and that such a long "executive detention" is in fact punishment which the Executive is not permitted to carry out under the State of Siege powers. The Junta has not replied.

Article 23 also allows persons detained under PEN to exercise the right to opt to leave the country instead of remaining under executive detention. Individuals exercising

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this right are not permitted re-entry into Argentina until the State of Siege is lifted. Until Spring 1975, all Argentine governments had complied with right of option provisions. If a person detained under the State of Siege requested to leave the country, he or she was given an Argentine passport and without further conditions permitted to go. In April 1975, Peronist Minister of the Interior Rocamora instituted a 90-day waiting period. This was the first time that the right of option had been administratively conditioned since its establishment in 1853. In March 1976, the military junta suspended retroactively the right of option. Then in May 1976, the junta issued Law 21,449 which established the following complicated system to replace the right of option:

- (1) Persons cannot petition for the right of option during the first 90 days of their detention;
- (2) After submitting their petition, the Executive has 90 days to respond; and
- (3) If the petition is denied, the detainees must wait six months before filing another petition and so forth.

Since July 1977, the government has been sending out stronger and stronger signals that the right of option will not be resuspended when the current "suspension" ends in late September 1977. There may well be nevertheless administrative procedures adopted which could have the effect of once again limiting the "Right".

Many of the apprehensions made under the State of Siege authority are done in the middle of the night. Some of those detained, generally the parents or close associates of the principal suspect, are freed after short periods of interrogation. However, these people are generally treated as suspects, being hooded and handcuffed during detention. Others are held for long periods of time under the State of Siege executive detention authority. Others, discussed later, just "disappear".

The Argentine bookkeeping under the PEN detention system is complicated as there are seven classes of cases:

- Persons held under the PEN without being charged.

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- Persons held under the PEN, who are being investigated for committing criminal or civil acts, but not placed under preventive detention.
- Persons held under the PEN and also held under preventive detention on a criminal or civil charge.
- Persons released from PEN who then continue as a prisoner under preventive detention for a criminal or civil charge.
- Argentines formerly held under the PEN who have been allowed to leave the country under Law 21,499 which replaced the Constitutional Right of Option.
- Foreigners formerly held under PEN and expelled from country.
- Persons released from PEN and freed in Argentina.

In late 1976, the Argentine Government began to publish lists of individuals "released" from executive detention. A few of those "released" have been literally freed, while some others have been transferred from executive detention to preventive detention under the criminal, military, or civil justice system. Thus, it has been difficult to verify exactly how many of the prisoners reportedly released from executive detention have actually been freed from jail. Of the 342 persons released from executive detention by the GOA and commented on by President Carter in late July 1977, the Embassy has been only able to verify the freeing of several detainees.

In early 1977, the Government began to publish the names of individuals who were being detained by the executive. Unfortunately, the names of many persons who have been abducted fail to appear on these lists even though it is clear that they have been taken by security forces.

The Foreign Office informed Mrs. Derian and Mr. Todman confidentially during their August visits that as of the end of July 1977 there were 1306 persons held under both the PEN by the Executive and preventive arrest by the criminal justice system. No numbers were given for the other PEN categories. However, the number of persons under

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"executive detention" was stated by President Videla to a group of resident American reporters in September 1977 to be "between four and five thousand." During the remainder of that meeting the President referred to some "4,000 persons" being held under the "poder ejecutivo nacional" that would leave some 2700 persons held under the PEN with either no charge or with charges but not under preventive arrest.

The Argentine Government has never publicly announced a total figure for PEN detainees. Human Rights Coordinator Derian and Assistant Secretary Todman were given a book during their briefings by the Foreign Office Working Group on Human Rights which listed the names at 1306 persons held under executive detention who had also been charged, but not sentenced. There was no number given for those held under PEN, but not charged.

The GOA claims that all those held in executive detention are suspected of breaking national security laws; but there is no way to determine how many of these were actually involved with subversive activities, and how many others are simply being held for "subversive intellectual activities" or for mistaken identity or through misinformation.

The major human rights problem in Argentina in this area is not the legal arrest or detention cases which number under criminal laws some 300 plus persons, or under executive detention some 4,000 plus persons but those who have been "disappeared". The estimates for this group run from 2,000 to 20,000 - a factor of 10. --

The Argentine Government's counter-terrorism effort is based on small, covert cells with no horizontal communication links. It was patterned after the terrorists' organization. These anti-terrorist groups within the armed services and police operate with relative freedom within general guidelines. Standard operating procedures for "arrests" have built-in deniability factors to protect the security service personnel from reprisal. Those taken are hooded or blindfolded so they cannot later identify their interrogators, false identification cards are used and stolen vehicles are often used on false license plates.

Suspects then are interrogated, often with the use of physical or psychological torture. Terrorists with "blood on their hands," those suspected of having put persons to

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(death and who cannot be used by the counter-terrorist forces, are summarily executed.) Those not related to terrorism per se but who were picked up for collateral questioning are warned and released. Those suspected of being "fellow travelers" in sympathy with the aims and goals of the terrorist organizations are turned over for processing under executive detention. However, those suspected of being associated with the terrorist or subversive organizations (e.g., Peronista youth or labor movements) through collateral evidence or through their own admissions, have just disappeared. Their whereabouts and their numbers are subjects of great personal and political concern within the country and great speculation. There is no question that there have been thousands of unexplained disappearances. The Embassy has itself received inquiries of over 370 cases of disappearances.

In some cases disappearances may represent guerrillas or civilians going underground. In the majority of cases, however, the facts of the disappearance make it appear attributable directly to the security forces. When the taking involves 6 to 10 men, openly carrying rifles, the use of several cars, it is clear that it is a security force operation.

Relatives seeking to determine the whereabouts of disappeared individuals have filed hundreds of writs of habeas corpus. The Argentine Permanent Assembly for Human Rights has filed over 800 writs on behalf of the relatives of "desaparecidos". The Executive has made little effort to comply with judicial orders to provide information on these disappearance and detention cases or to show just cause for arrests or to release prisoners when ordered to do so by the courts. The Chief Justice of the Supreme Court made a personal appeal to the Junta on these issues in mid-1977. There has been no reply to his appeal.

As commented earlier, estimates of "desaparecidos" range from 2 to 20 thousand (some leftist publications outside of Argentina have used a figure of 30 thousand). On June 9, an Argentine Government spokesman acknowledged that the government has received about 2,000 reports of disappearances and said they would be investigated. The Permanent Assembly for Human Rights has learned that the Ministry of Interior's Office of Missing Persons has received between 4 to 5 thousand

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inquiries of persons regarding disappeared relatives. The Ministry of Interior opened a disappeared person office and agreed to accept the first 100 disappearance cases presented each day. However, it has recently been reported that it has reduced that number to 20 to 40 cases daily; the others are turned away. Argentine Human Rights groups have told the Embassy that their best estimates regarding disappeared persons would place the number in the neighborhood of 15 to 20 thousand persons. The real problem is felt to be in the provinces from which there is little information feedback. Meanwhile, this "M.I.A." type of issue is becoming the principal focus of the weak Argentine human rights movement.

d. Denial of a Fair Public Trial.

While the Argentine courts function normally in civil and criminal cases, intimidation of the legal system led to a breakdown of the court system prior to the March coup. Judges and lawyers were subject to both left and right-wing terrorism. A system of military justice has now evolved for cases involving crimes against police or military personnel or military property. Economic and corruption cases are usually assigned to civilian courts. The Argentine Government looks upon the court system as a way to treat suspects with a degree of due process. Military courts have found some people innocent, reduced sentences, and applied a variety of jail sentences. The Embassy is aware of abuses. In one case a military court of first instance which had its decision reversed by the Military Court of Appeals for lack of evidence, ignored the appellate court entirely on remand and upheld its original sentence of an 18-year old student for 8 years for "assaulting a policeman".

e. Invasion of the Home.

When attempting to pick up suspected subversives, the security police have not hesitated to break into homes. A considerable amount of looting has accompanied such break-ins during 1976 and early 1977 but it appears that orders have been issued to arrest suspects without engaging in thefts. The Embassy has heard reports in August-September 1977 of seizures which were made both with and without robbery. There is no clear pattern.

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2. Respect for Civil and Political Liberties

a. Freedom of Thought, Religion, Assembly.

The Argentine Constitution guarantees freedom of religion although this has been challenged by the Argentine Government in the case of the Jehovah's Witnesses. On August 31, 1976 the Government decided to enforce a 1950 decree banning their activities, principally for failure to salute the flag and perform military service. The Witnesses appealed to the Argentine courts. On June 16 an Appeals Court ruled that the ban on all Witness activities, publications, broadcasts and proselytising was unconstitutional. The court stated that religious liberty cannot be denied, even though it can be subject to regulation. The government appealed the case to the Supreme Court in July 1977.

Anti-Semitism has been a recurrent problem in Argentina, manifesting itself in a number of bombings of synagogues during 1976 and early 1977. There were no casualties in these incidents. In April 1977, there were fears that Army hardliners, encouraged by the publication Cabildo, were trying to fan anti-Semitism in connection with the Graiver scandal in which several prominent Jews were arrested. The Argentine Government responded, however, not long after this, by banning two issues of Cabildo. The representative of the American Jewish Committee in Buenos Aires received anonymous threats against himself and his "yankee-jewish" organization, which led to his family's flight to the United States in July. In a written statement, he viewed his persecution as an effort in part to embarrass President Videla. On July 8, the Department's spokesman noted the Department's belief that anti-Semitism is not the policy of President Videla or his government, but that the threats against the life of the Jewish representative "may have required the complicity of irresponsible elements within the security forces". Concern about anti-Semitism is heightened by the fact that the Argentine Government has not succeeded in forcefully eliminating anti-Semitic acts nor has it publicly identified and punished individuals guilty of previous terrorist incidents against Jewish establishments (or other non-Jewish targets). It is not so serious, however, that it has led to any appreciable Jewish emigration from Argentina.

Relations between the Catholic Church and the Argentine Government are cautious and essentially correct. President Videla and other ranking Argentine officials cautiously

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acknowledged concerns expressed in a Council of Bishops statement published on May 7, 1977 which criticized the government's human rights record. One senior Church official who has worked diligently on behalf of human rights commented that the Church fears that rightist elements within the military are trying to provoke a confrontation between the Church and the Videla Government, in order to bring about Videla's fall. The Argentine Church is reportedly trying to avoid lending itself to rightist manipulation.

Freedom of expression and opinion in Argentina has been somewhat restricted by the banning of various right-wing and left-wing publications. The Argentine press is expected to exercise self-censorship, and is prohibited from mentioning terrorist and counter-terrorist operations unless officially authorized by the government. The clauses defining inadmissible topics for press coverage in the anti-subversive law passed in 1974 have been criticized for their vagueness by journalist associations in the past.

The international wire services with offices in Argentina report freely.

The Argentine press generally supports the government; criticism tends to be rare. The English language Buenos Aires Herald stands out in support of human rights, although it has also repeatedly pointed out that eliminating terrorism cannot be effected with "kid gloves". Its editor was jailed briefly in April 1977 for making an unauthorized reference to a meeting of Argentine terrorists in Rome. The other liberal daily, La Opinion, was placed under a relatively independent-minded government interventor as a result of the arrest of its editor, Jacobo Timmerman, who is being held on economic charges. The free press has suffered as a result of this arrest. Other journalists have suffered intimidation, arrest, and have disappeared.

Lawyers, politicians, labor leaders, psychologists, psychiatrists and scientists have all suffered varying degrees of repression, leading organizations such as Amnesty International and the American Association for the Advancement of Science to voice their concern. Fair legal proceedings have been particularly damaged by implicit government intimidation of lawyers showing any willingness to defend political prisoners.

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b. Freedom of Movement Within a Country, Foreign Travel and Emigration Policies.

Freedom of movement within Argentina is the general rule, although under the State of Siege provisions as stipulated in Article 23 of the Constitution, the President has the power to "arrest or move people from one part of Argentina to another, if they do not choose to leave the country." There are no restrictions placed on foreign travel. The freedom to emigrate may be withheld for men who are about to fulfill the compulsory military service, but in most cases the Argentine citizen is free to settle abroad.

According to a special provision in the Argentine Constitution, prisoners being held under the State of Siege have the "right of option" to leave the country in lieu of detention. This right was suspended retroactively in March 1976 but its reinstatement is currently under review as a result of orders from President Videla. A favorable decision is expected by October 1, 1977, but under a tight military review process. It will be a "possibility of option" system.

c. Democratic Processes Assuring the Freedom to Participate in the Political Process.

Upon taking power in March 1976, the military junta dissolved the parliament and banned political and labor activity. Since then all political offices have been filled administratively rather than by means of the electoral process. Political parties have had to suspend their activities. Basic union liberties have also been suspended, including the constitutional right to bargain collectively for wage increases and improvements in working conditions, and the right to strike. Under the Videla Government there is little freedom to participate politically. The political parties are showing a little more courage, however, as the Radicales did in June when they criticized the government's human rights record. The Interior Ministry charged the party with engaging political activities but a lower court dismissed the charges. The government has appealed the case. Human Rights groups are circulating petitions (still allowed) on the "desaparecido" issue, and one group took a large ad in La Prensa in September 1977.

3. Recent Trends in Governmental Policies Relating to the Fulfillment of Basic Needs for Food, Shelter, Health Care and Education

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a. Policies Designed to Respond to the Needs of the Poor and Policies Which Tend to Ignore the Needs of the Poor.

A main objective of the present Government of Argentina is sound economic recovery and growth. The economic policies designed to achieve these goals have adversely affected lower income groups, but not to such an extent that they could be termed violations of "human rights". The most important policies in this regard are: increased investment in productive capital projects, and the wage/price policy.

Increased government spending on capital investment has forced a decrease in funds set aside for social welfare spending. The current government has budgeted less in public housing, public health and education than the predecessor Peronist regime. However, reduced corruption means that more of the budgeted funds are being spent for their intended purpose. By emphasizing wage control with limited price controls, real wages have been forced downward. Real wages have decreased on the order of 25 to 30 percent; the government's statistics--which do not take into account higher payments actually made "under the table" to workers--show a 50 percent decline. The policy of wage restraint has been highly controversial. Wage-earners as a group have been disadvantaged in relation to the self-employed and to those who have income from non-wage sources. At the same time, unemployment has been kept relatively low (around four percent) despite the recession.

Trade union representatives and politicians who generally oppose the government's economic policies claim that many low income groups have been reduced to "starvation levels." This is difficult to prove empirically, and seems to be an exaggerated assertion. Nutritional levels are still substantially higher than those in almost all the rest of Latin America. Health care is available and is heavily subsidized, although there are government efforts afoot to revise the health care structure which may result in reduced services. Low paid public school teachers have left their jobs in alarming numbers recently and there are reports of increased truancy on the part of youngsters forced to seek employment to help keep their families afloat. With increased economic growth and a winding down of the war against subversion, however, there hopefully will be an increased investment in public education.

The Argentine Government seeks to improve the lot of the poor primarily through economic growth and productivity and

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to this end relies largely on the revival of the private sector. Little emphasis has been placed on policies which could directly benefit the poor; their needs have been temporarily ignored. In fact, the economic policies presently implemented have adversely affected lower income groups.

b. Corruption of Such a Nature That Significant Resources Are Diverted Toward the Nation's Elite and Away From the Majority of the Population.

The Videla Government is intent on rooting out economic and bureaucratic corruption and its efforts to date have been effective. Corruption in Argentina is endemic and traditional; however, it is not of such a nature that significant resources are being diverted to the nation's elite and away from the majority of the population. The government's motives for suppressing corruption are often political. In a major sense, the anti-corruption campaign can be seen as an attempt to "get back at" and discredit previous regimes, especially the Peronist administration. A prime example of politically motivated anti-corruption activity is the Aluar case, in which high-ranking officials of the previous military government were detained and are possibly to be tried for alleged corruption.

The military itself, particularly in the higher echelons, continues to enjoy a clear reputation vis-a-vis corruption. Military officers are noted for their zeal in purging society of corruption, rather than in collecting their share of the spoils, although certainly some do. Some of the means by which authorities seek to punish and reduce corruption are: stricter enforcement of tax laws; intervention of suspect businesses and unions; the stripping of allegedly excessive special privileges from union leaders for corruption under the "act of institutional responsibility"; and the arrest and trial of public officials charged with corruption, fraud, embezzlement and maladministration.

4. Level of the Government's Responsibility for the Foregoing Human Rights Record, Including the Extent to Which Positive Human Rights Measures are Articulated as Public Policy or Violations Condoned as Public Policy Because of Security or Other Justifications.

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The Argentine Government is committed to the eradication of terrorism. This generally means that any leftist terrorist caught "with blood on his hands" will be summarily executed unless he can be useful for counter-terrorism operations. There is a new program, however, to rehabilitate marginally involved terrorists and to provide reduced sentences for persons who voluntarily surrender to authorities.

Torture is used regularly to interrogate suspected subversives. Individuals found to be innocent are released and admonished to remain silent.

The Argentine Armed Forces and undoubtedly a good portion of the Argentine public condone the use of harsh measures in a "dirty war" to fight the leftist extremist groups which initiated the cycle of violence in the late sixties. The most prominent of these groups are the Montoneros and the People's Revolutionary Army (ERP) who had thousands of combatants. They were able to operate freely during the mid-seventies as a result of their intimidation of political and judicial institutions. By 1974 rightist counter-terrorist organizations began to operate with government sanction. The most notorious rightist groups operated under the name of the AAA (Argentine Anti-Communist Alliance) which persecuted the political enemies of Presidents Juan and Isabel Peron (1973-76). Today, the leftist terrorists have been almost completely eliminated and the many members of the AAA dispersed or jailed for common crimes. Even so four attempts have been made on President Videla's life. In June 1977, terrorists almost succeeded in assassinating Foreign Minister Guzzetti in May. They are able to sporadically kill policemen and military officers.

While President Videla makes no secret of his support of harsh counter-terrorism, he has tried to limit ideological and political repression. Such diverse groups as the Catholic Church, Argentine Jewry, the Peronist, Radical and Communist Parties, as well as many center-left figures are convinced that President Videla is a moderating force. Moderates such as Senator Solari Yrigoyen or Mrs. Alicia Moreau de Justo, President of the Permanent Assembly for Human Rights, counter that repression could not get worse than it is under the Videla Administration.

Videla seems to lack control over the powerful military commander of the Buenos Aires Military region, General Suarez Mason, or elements of other military forces--particularly in

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the Buenos Aires Province area where most of the notable excesses are being committed. The Navy is also believed to operate independently at times. For example, during the third week in July eight lawyers were abducted in Mar del Plata, leading to immediate speculation that Suarez Mason or the Navy authorized these actions to embarrass the Videla Government. During the Videla visit to Washington in early September, Alfredo Bravo, a prominent Teachers Union official and officer of the most prominent Human Rights organization in the country was "abducted" from his classroom.

Suarez Mason is seconded by the Governor of Buenos Aires Province, retired General Saint Jean, and both men have often seemed dedicated to making political compromise an impossibility for Videla. Suarez Mason and his supporters are held responsible for the political and anti-Semitic overtones of the Graiver Affair that led to mass arrests in April 1977, for the jailing of former President Lanusse (subsequently released), and they are the suspected authors of the intimidation of the Argentine representative of the American Jewish Committee. Suarez Mason typifies the Argentine Army hardliners.

It should be noted that we have little information about Human Rights conditions outside of the major population centers, as Embassy travel has until recently been restricted for security reasons.

President Videla has admitted publicly that the security forces have committed excesses. The Argentine Government appears to be trying to increase the use of the legal system as a means for restoring institutional order. The government's willingness to accept court rulings on the obligation to charge PEN detainees, the right of option, treatment of the Radical Party - which criticized the GOA despite a ban on political activity, and freedom of religion for Jehovah's Witnesses will be important, human rights indicators.

The restoration of the "right of option", of Article 23 of the Constitution whereby prisoners under executive custody may opt for voluntary exile, is expected to be announced before the end of September. Depending on the implementing regulations, the restoration of the right of option, setting time limits on "executive detention", might contribute to the release of many prisoners and be further evidence of human rights change.

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Accounting for prisoners and disappearances will be the most difficult area for decision. A beginning was made in late 1976 as the names of those released from executive custody became public; in early 1977 the government began to list those detained by the executive. These lists are incomplete, however, because most of those picked up by the security forces are never acknowledged, they just "disappear".

The accounting problem is far more difficult than most outsiders think. Various units of the three armed forces and the police are known to keep their own prisoners whose identities, status and final disposition in many cases are not reported. The Navy is apparently the worst offender. Navy hardliners were responsible, for example, for the arrest and torture of Senator Solari Yrigoyen, a left-of-center democrat who was expelled to Venezuela in May despite the probable opposition of the Foreign Ministry, which is in the hands of the Navy. One of Solari's companions, Representative Abdel Amaya, died of a heart attack as the result of torture, according to Solari. The Navy is also believed responsible for the detention of a number of priests and labor leaders. The objective of these secret arrests in some cases may be to use civilians as pawns for bargaining with the Church, labor and the political parties as well as to prevent efforts by the Army to reach accommodations with such groups.

In sum, human rights violations as they apply to the elimination of terrorists are government policy; the end justifies the means to the GOA. However, given the government's defeat of armed terrorism, the overall level of repression in Argentina is a political matter within the Junta reflecting the internecine struggle within the military forces.

An emerging area of concern is the possibility that the GOA might launch a "second stage" effort against "intellectual subversion". This has been espoused by military hardliners and provincial officials, and President Videla often in a background meeting with the resident U.S. press in early September discussed the problem of dealing with those guilty but not convictable of "intellectual subversion".

5. Willingness and Past Record of the Government Regarding Independent, Outside Investigation of Alleged Human Rights Violations

Amnesty International (AI) visited Argentina in November 1976. During the visit several plainclothes policemen,

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ostensibly assigned to protect the delegates, followed them wherever they went, and questioned and even detained a number of people whom they met. The Amnesty report, published in March, was highly critical of the Argentine Government's human rights practices. The Department and the Embassy in Buenos Aires believe that the Amnesty report is a generally accurate one. The Argentine Foreign, Justice and Interior Ministries are preparing a rebuttal of the AI report.

The International Committee of the Red Cross established an office in Buenos Aires in January 1977. It has visited most prisons but does not have access to military bases. Conditions in prisons such as the one at La Plata, where summary executions have been reported, appear to have improved as a result of the ICRC's program. Certain areas such as medical wards in prisons have however been off limits to ICRC inspectors. These areas might be expected to house "abused" prisoners.

American officials have suggested to the Argentine Government that the Inter-American Human Rights Commission be invited but no action has yet been forthcoming.

The Argentine Government has shown itself willing to discuss human rights with American officials. The Department's Coordinator for Humanitarian Affairs, Patricia Derian visited Buenos Aires in April and August 1977; Assistant Secretary Todman and ARA Human Rights officer Lister as well as CODEL Yatron and Hollings visited Buenos Aires in August 1977. Secretary Vance was invited to visit Argentina in late October and has accepted, according to press reports.

In late 1976, the Foreign Ministry established a Human Rights Working Group through which foreign embassies could channel requests for information on Argentine and third country nationals. It has been a channel, but not an effective one in dealing with the numerous high-interest U.S. cases.

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